

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Mark M. Sharf (140390) Sharf Law Firm 6320 Canoga Ave, #1400 Woodland Hills, CA 91367 818-788-4800 F:818-232-0315	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Albert and Carmellina Smith Debtor(s).	CASE NO.: 1:09-bk-21417-MT

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: April 7, 2010	Time: 10:00 a.m.
Location: Ctrm 302, 21041 Burbank Bl, Woodland Hills, CA	

Type of Sale: ☒ Public ☐ Private

Last date to file objections:

March 24, 2010

Description of Property to be Sold: 13640 Simshaw Ave, Sylmar, CA 91342

Terms and Conditions of Sale: As is, where is, as further described in attached Notice.

Proposed Sale Price: \$300,000

Overbid Procedure (If Any): See Attached Notice, requiring tender of offer, deposit and proof of financial ability at least 48 hours prior to sale.

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing: Same as Sale Date

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e-mail address):

Mark M. Sharf

6320 Canoga Ave, #1400

Woodland Hills, CA 91302

818-788-4800 fax: 818-232-0315

mark@sharflaw.com

Date: March 10, 2010

ATTACHED NOTICE

File a Notice:[1:09-bk-21417-MT Albert L. Smith and Carmellina Smith](#)

Type: bk

Chapter: 7 v

Office: 1 (San Fernando Valley)

Assets: y

Judge: MT

U.S. Bankruptcy Court**Central District Of California**

Notice of Electronic Filing

The following transaction was received from Mark M Sharf entered on 3/10/2010 at 9:51 AM PST and filed on 3/10/2010

Case Name: Albert L. Smith and Carmellina Smith**Case Number:** [1:09-bk-21417-MT](#)**Document Number:** [35](#)**Docket Text:**

Notice of motion/application *NOTICE OF HEARING ON MOTION FOR ORDER: (1) AUTHORIZING TRUSTEE TO SELL REAL PROEPRTY FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. SECTIONS 363(b) AND (f); (2) APPROVING OVERBID PROCEDURES; (3) APPROVING BUYER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER, AS GOOD FAITH PURCHASER PURSUANT TO 11 U.S.C. SECTIONS 363(m); AND (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKERS COMMISSIONS AND OTHER ORDINARY COSTS OF SALE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF JANICE NEIMAN, DAVID R. HAGEN AND DONALD T. FIFE* Filed by Trustee David R Hagen (RE: related document(s)[34] Motion to Sell Property Free and Clear of Liens *MOTION FOR ORDER:*). (Sharf, Mark)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**smith - notice of hearing on mtn for order re sale of property.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=1106918562 [Date=3/10/2010] [FileNumber=32575030-0] [99b38b336b66ffdb52eb83622aa62b87e8aa36bd6431f6e382edaa6ef315a7bbcc e1aceee228d6e3edcb46b14b60a6e49e6804fb5b8efddb7090942efe9558c2]]

1:09-bk-21417-MT Notice will be electronically mailed to:*Lindsey B Green on behalf of Debtor Albert Smith**reception@gummandgreen.com,**anita@gummandgreen.com;lindsey@gummandgreen.com;rick@gummandgreen.com**David R Hagen**drh@forbankruptcy.com, dhagen@ecf.epiqsystems.com**Kevin Hahn on behalf of Creditor JPMORGAN CHASE BANK N.A.*

kevin@mclaw.org

Christelle N Ramseyer on behalf of Creditor JPMorgan Chase Bank, National Association, successor in interest to Washington Mutual Bank, FA, its assignees and/or successors
bknotice@mccarthyholthus.com

Mark M Sharf on behalf of Trustee David Hagen
mark@sharflaw.com, msharf00@gmail.com

Kelly Ann M Tran on behalf of Creditor JPMorgan Chase Bank, National Association, successor in interest to Washington Mutual Bank, FA, its assignees and/or successors
ktran@mkblaw.com

United States Trustee (SV)
ustpreion16.wh.ecf@usdoj.gov

1:09-bk-21417-MT Notice will not be electronically mailed to:

MARK M. SHARF (State Bar No. 140390)
SHARF LAW FIRM
6320 Canoga Ave, #1400
Woodland Hills, California 91367
(818) 788-4800
Fax: (818) 232-0315
mark@sharflaw.com

Attorneys for David R. Hagen,
Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FERNANDO VALLEY DIVISION

In re

ALBERT L. SMITH and
CARMELLINA SMITH

Case No. 1:09-bk-21417-MT

Chapter 7

NOTICE OF HEARING ON MOTION
FOR ORDER:

(1) AUTHORIZING TRUSTEE TO
SELL REAL PROPERTY FREE AND
CLEAR OF LIENS, CLAIMS AND
INTERESTS PURSUANT TO 11
U.S.C. §§ 363(b) AND (f);
(2) APPROVING OVERBID
PROCEDURES;
(3) APPROVING BUYER,
SUCCESSFUL BIDDER, AND
BACK-UP BIDDER, AS GOOD
FAITH PURCHASER PURSUANT TO
11 U.S.C. § 363(m); AND
(4) AUTHORIZING PAYMENT OF
UNDISPUTED LIENS, REAL
ESTATE BROKERS' COMMISSIONS
AND OTHER ORDINARY COSTS OF
SALE; MEMORANDUM OF POINTS
AND AUTHORITIES; DECLARATIONS
OF JANICE NEIMAN, DAVID R. HAGEN
AND DONALD T. FIFE

DATE: April 7, 2010
TIME: 10:00 a.m.
CTRM: 302

1 TO THE HONORABLE MAUREEN TIGHE, UNITED STATES BANKRUPTCY
2 JUDGE, THE DEBTORS, DEBTORS' COUNSEL, THE UNITED STATES TRUSTEE,
3 INTERNAL REVENUE SERVICE, ALL CREDITORS, AND OTHER INTERESTED
4 PARTIES:

5 NOTICE IS HEREBY GIVEN that on April 7, 2010 at 10:00 a.m. in Courtroom 302 of
6 the above-entitled court located at 21041 Burbank Boulevard, Woodland Hills, California, David
7 R. Hagen, Chapter 7 Bankruptcy Trustee ("Trustee") of the bankruptcy estate (the "Estate") in the
8 above-captioned case (the "Case") of debtors Albert L. Smith and Carmellina Smith ("Debtors")
9 will move the Court for an order approving the sale of that certain real property commonly
10 known as 13640 Simshaw Ave, Sylmar, CA 91342 (the "Real Property"), free and clear of any
11 liens, claims and interests pursuant to 11 U.S.C. §§ 363(b) and (f), on an AS-IS, WHERE-IS
12 basis, to Hector King, Christian Vielman, Sonia Vielman and Aura Rosales and/or their assigns
13 (collectively "Buyer") for a total sales price of \$300,000 (the "Sales Price") and on the other
14 terms and conditions as set forth in the escrow instructions (hereinafter the "Agreement"), or to
15 the highest qualified bidder pursuant to the overbid procedures described below. A true and
16 correct copy of the Agreement is attached to the Declaration of David R. Hagen in support of the
17 Motion For Order (1) Authorizing Trustee To Sell Real Property Free and Clear of Liens, Claims
18 And Interests, et al., filed concurrently herewith (the "Motion"). You can obtain a full copy of
19 the Motion, including the Memorandum of Points and Authorities and supporting declarations,
20 with exhibits, by contacting Trustee's counsel at the telephone number, facsimile number, and/or
21 address at the top of page one of this notice.

22 The Motion seeks approval of the Buyer, the successful bidder, and any back-up bidder as
23 a "good faith" purchaser under 11 U.S.C. § 363(m).

24 As described more fully in the Motion and its supporting documents, the Sales Price
25 (\$300,000) exceeds the debt owed to JPMorgan Chase Bank, N.A. ("Chase") and secured by a
26 first deed of trust (the "First Trust Deed") recorded against the Real Property (estimated at
27 \$205,676.14 as of the estimated closing date in April, 2010); the brokers' commissions
28

1 (\$18,000); estimated closing costs of \$6145.98; and estimated capital gains taxes of up to \$1500.

2 The Motion seeks approval and authorization for Trustee to execute any and all
3 documents necessary to transfer the Real Property from the Estate to Buyer and to pay the debt
4 owed Chase and secured by the First Trust Deed, the Estate's closing costs, including, but not
5 limited to, brokers' commissions and pro rata real property taxes, and any other valid liens,
6 through escrow.

7 By the Motion, Trustee requests that the remaining proceeds from sale of the Real
8 Property be issued by escrow to Trustee for deposit in Estate bank accounts.

9 The Motion is based on this Notice and the Motion filed concurrently herewith, along
10 with the Declarations of Janice Neiman, David R. Hagen and Donald T. Fife and Exhibits, all of
11 which are attached to the Motion.

12 Trustee proposes that the following overbid procedures be used at the hearing (the
13 "Hearing") on the Motion for the purpose of considering bids:

14 i. Each potential bidder (other than Buyer) in order to qualify as a bidder at the
15 Hearing, shall, at least 48 hours prior to the commencement of the Hearing, present to Trustee:

16 (1) a cashier's check in the amount of Nine Thousand Dollars (\$9,000.00) (the
17 "Earnest Money Deposit") made payable to David R. Hagen, Trustee of the Albert and
18 Carmellina Smith Estate. Trustee shall refund the Earnest Money Deposit if he accepts
19 the bid of another bidder;

20 (2) a completed and executed written offer to purchase signed by the bidder
21 that contains terms and conditions that are, in Trustee's business judgment, similar or
22 superior to the terms and conditions of the offer by Buyer generally described above and
23 specifically contained in the Agreement; and

24 (3) proof that the bidder has the financial ability to pay the balance of any bid
25 made by such bidder within eleven (11) days after entry of this Court's order approving
26 sale of the Real Property to the highest bidder (the "Sale Order"), such proof to be
27 deemed acceptable or unacceptable by Trustee in his sole discretion, subject to approval
28

1 by the Court.

2 In addition, the potential bidder must attend the hearing on this Motion.

3 ii. The initial overbid shall be a total of \$305,000 and all additional overbids must be
4 made in minimum increments of \$1,000.

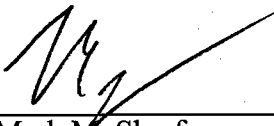
5 If the highest bidder fails to close escrow by the first business day that is at least eleven
6 (11) days after entry of the Sale Order, the highest bidder will forfeit the Earnest Money Deposit
7 and the next highest bidder shall pay the next highest bid to purchase the Real Property.

8 The Motion is based on and made pursuant to Bankruptcy Code §§ 363(b), 363(f), and
9 363(m).

10 **PLEASE TAKE NOTICE** that Local Bankruptcy Rule 9013-1(f) requires that
11 objections, if any, to the foregoing shall be in writing and filed with the Clerk of the Court and
12 served upon Trustee's counsel at least fourteen (14) days before the hearing date stated above.
13 Objections not filed and served as set forth above shall be deemed waived.

14
15 Dated: March 8, 2010

SHARF LAW FIRM

16
17 

18 Mark M. Sharf,
19 Attorneys for David R. Hagen,
20 Chapter 7 Trustee
21
22
23
24
25
26
27
28

In re: ALBERT L. SMITH and CARMELLINA SMITH,

CHAPTER 7

Debtor(s).

CASE NUMBER: 1:09-21417-MT

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

6320 Canoga Ave., #1400, Woodland Hills, CA 91367

A true and correct copy of the foregoing document described as:

NOTICE OF HEARING ON MOTION FOR ORDER: (1) AUTHORIZING TRUSTEE TO SELL REAL PROEPRTY FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. SECTIONS 363(b) AND (f); (2) APPROVING OVERBID PROCEDURES; (3) APPROVING BUYER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER, AS GOOD FAITH PURCHASER PURSUANT TO 11 U.S.C. SECTIONS 363(m); AND (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKERS' COMMISSIONS AND OTHER ORDINARY COSTS OF SALE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATIONS OF JANICE NEIMAN, DAVID R. HAGEN AND DONALD T. FIFE

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On March 10, 2010, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

ALL VIA U.S. MAIL SEE ATTACHED LIST

☒ Service information continued on attached pages

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on March 10, 2010, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 10, 2010

Brian Reed

Date

Type Name

Signature

Service List

Albert and Carmellina Smith
SV09-21417-MT

Debtors

Albert and Carmellina Smith
3342 Michelle Court
Simi Valley, CA 93063

Debtors' Attorney

Lindsey B. Green
Gumm & Green, LLP
5763 Corsa Ave., Suite 111
Westlake Village, CA 91362

Chapter 7 Trustee

David R. Hagen
Chapter 7 Trustee
6320 Canoga Ave., Suite 1400
Woodland Hills, CA 91367

Office of the U. S. Trustee
21051 Warner Center Lane, #115
Woodland Hills, CA 91367

Maureen A. Tighe
United States Bankruptcy Judge
21041 Burbank Blvd., #325
Woodland Hills, CA 91367

Realtor - Seller

Jan Neiman
Neiman Realty
14205 Collins Street
Van Nuys, CA 91401

Realtor - Buyer

Jesse O. Aguilar; Gina Aguilar
458 North Maclay Ave.
San Fernando, CA 91340

Los Angeles County Tax Collector
225 N. Hill Street, #130
Los Angeles, CA 90012

Attorney for L.A. County Tax Collectors

Elizabeth Marie Cortez, Esq.
The County of Los Angeles
500 W. Temple Street, #651
Los Angeles, CA 90012

Unsuccessful Bidders

Exit Reality
Attn.: Joel Javan
23734 Valencia Blvd. #302
Valencia, CA 91355

Rodeo Realty
Attn.: Heather Davidson
15300 Ventura Blvd. #101
Sherman Oaks, CA 91403

Keller Williams Realty
Attn.: Marcelina Lizarrage
9324 Reseda Blvd.
Northridge, CA 91324

San Fernando Realty
Attn.: Lucy Herrera
458 N. Maclay Ave.
San Fernando, CA 91340

Keller Williams Realty
Attn.: Paula Tubert-Golden
15531 Ventura Blvd. #100
Encino, CA 91342

Realty Executives Premier
Attn.: Mario Velasquez
3261 N. Harbor Blvd., #B
Fullerton, CA 91342

Excel Properties
Attn.: Koke Ahankoob
19562 Ventura Blvd. #229
Tarzana, CA 91356

Century 21 Paul & Associates
Attn.: Lorie Gibson
1501 W. Magnolia Blvd.
Burbank, CA 91506

Pinnacle Estate Properties, Inc.
Attn.: Guada Isomaki
9137 Reseda Blvd.,
Northridge, CA 91324

Park Regency
Attn.: Carlos Ordenez
10146 Balboa Blvd.
Granada Hills, CA 91344

Coldwell Banker Valleys
Attn.: Frances Rocha
10324 Balboa Ave.
Granada Hills, CA 91344

Pinnacle Estate
Attn.: Sione (John) Nai
10328 Sepulveda Blvd.
Mission Hills, CA 91345

Creditors

AFNI Insurance Services
P.O. Box 3068
Bloomington, IL 61702

American Express
P.O. Box 0001
Los Angeles, CA 90096

American Express
P.O. Box 46960
St. Louis, MO 63146

Bank of America
P.O. Box 851001
Dallas, TX 75285

Capital One
P.O. Box 60599
City of Industry, CA 91716

Chase/JP Morgan
P.O. Box 78101
Phoenix, AZ 85062

Chevron Gas
P.O. Box 530950
Atlanta, GA 30353

Choice Visa
P.O. Box 6401
The Lakes, NV 88901

Citi Bank
P.O. Box 6401
The Lakes, NV 88901

Citi Cards
P.O. Box 6420
The Lakes, NV 88901

Connie Smith
243 North J St.
Lakeview, OR 97630

Discover
P.O. Box 6103
Carol Stream, IL 60197

Discover
P.O. Box 3008
New Albany, OH 43054

ER Solutions
P.O. Box 6030
Hauppauge, NY 11788

Franchise Tax Board
P.O. Box 942867
Sacramento, CA 94267

GC Services
P.O. Box 47500
Jacksonville, FL 32347

GE Money Bank
P.O. Box 960061
Orlando, FL 32896

GMAC
P.O. Box 78252
Phoenix, AZ 85062

HFC
P.O. Box 60101
City of Industry, CA 91716

HSBC
P.O. Box 60136
City of Industry, CA 91716

IRS
Ogden, UT 84201

Macy's
P.O. Box 689195
Des Moines, IA 50368

Macy's
P.O. Box 183084
Columbus, OH 43218

Macy's
P.O. Box 6938
The Lakes, NV 88901

Mike Rogers
P.O. Box 1517
Manteca, CA 95336

Sanjiv Goel MD
2100 Lynn Rd., #205
Thousand Oaks, CA 91360

Sears
P.O. Box 688956
Des Moines, IA 50368

Target
P.O. Box 59317
Minneapolis, MN 55459

United Recovery
P.O. Box 722929
Houston, TX 77272

WAMU
P.O. Box 78148
Phoenix, AZ 85062

Wells Fargo
P.O. Box 30086
Los Angeles, CA 90030

Zwicker & Associates
80 Minuteman Road
Andover, MA 01810

Notice of Sale of Estate Property - Page 2

F 6004-2

In re Albert and Carmellina Smith	CHAPTER: 7
Debtor(s).	CASE NO.: 1:09-bk-21417-MT

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document described as NOTICE OF SALE OF ESTATE PROPERTY will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On MARCH 10, 2010 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

MARCH 10, 2010	BRIAN REED	
Date	Type Name	Signature

Notice of Sale of Estate Property

Service List

Albert and Carmellina Smith
SV09-21417-MT

Debtors

Albert and Carmellina Smith
3342 Michelle Court
Simi Valley, CA 93063

Debtors' Attorney

Lindsey B. Green
Gumm & Green, LLP
5763 Corsa Ave., Suite 111
Westlake Village, CA 91362

Chapter 7 Trustee

David R. Hagen
Chapter 7 Trustee
6320 Canoga Ave., Suite 1400
Woodland Hills, CA 91367

Office of the U. S. Trustee
21051 Warner Center Lane, #115
Woodland Hills, CA 91367

Maureen A. Tighe
United States Bankruptcy Judge
21041 Burbank Blvd., #325
Woodland Hills, CA 91367

Realtor - Seller

Jan Neiman
Neiman Realty
14205 Collins Street
Van Nuys, CA 91401

Realtor - Buyer

Jesse O. Aguilar; Gina Aguilar
458 North Maclay Ave.
San Fernando, CA 91340